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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/594,889

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Markus Dillinger

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EXAMINER

RIZK, SAMIR WADIE

ART UNIT

PAPER NUMBER

2112

MAIL DATE

DELIVERY MODE

09/29/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/594,889	DILLINGER ET AL.	
	Examiner	Art Unit	
	SAM RIZK	2112	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/29/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTIONS

- Claims 1-7 have been submitted for examination
- Claims 1-7 have been rejected

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

1. The abstract in line 4 is using legalized language "providers are disclosed". Such a language should be avoided in the abstract.

Correction is required.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Nyholm
US publication no. 2002/0006791 (Hereinafter Nyholm).
3. In regard to claim 1, Nyholm teaches:

Art Unit: 2112

- (Currently Amended) A method for detecting faults in at least one of a case of reconfigurable terminals and a case for supporting reconfiguration decisions, the method comprising:
 - wherein supplying network elements, including an agent platform-, at least one of directly and via at least one agent proxy with agents by agent providers with the agent platform authorizing itself with the respective agent provider, the agent platform allowing the agent provider to set up an agent having specific access rights, and communication between the agent platform and agent provider being encrypted,
- (Figure 1, ref. (1) and (2) and sections [0003] & [0004] in Nyholm)
- wherein the agents include protected storage areas and receive raw information for at least one of evaluating fault incidents and optimizing reconfiguration decisions from the respective network element over defined interfaces of the agent platform; and
- (Sections [0020] – [0024] in Nyholm)
- wherein processing raw information inside the respective agent forming decision information for at least one of evaluating fault incidents and optimizing reconfiguration decisions, therefrom and making the information available to at least one of the network element, network operator agent provider terminal manufacturer over the defined interface.

(Figure 2 and sections [0030] - [0035] in Nyholm)

4. In regard to claim 2, Nyholm teaches:

Art Unit: 2112

- (Original) The method as claimed in claim 1 wherein the network elements transfer raw information about operational faults of the respective terminal to a terminal manufacturer's respective agent over the defined interfaces of the agent platform and the agent, when requested by the agent provider, supplies decision information formed on the basis of said raw information to the agent provider.

(Figure 2 and sections [0030] - [0035] in Nyholm)

5. In regard to claim 3, Nyholm teaches:

- (Currently Amended) The method as claimed in claim 2, wherein the decision information contains information about occurring infringements of at least one of a network protocol and radio standard.

(Figure 2 and sections [0030] - [0035] in Nyholm)

6. In regard to claim 4, Nyholm teaches:

- (Original) The method as claimed in claim 1 wherein decisions about optimal reconfiguring are partially relocated by network elements to manufacturer-specific agents which, using the raw information made available to them and the manufacturer-specific data, accessible only to the device manufacturer, concerning the respective terminal, produce decision information for the network element.

(Figure 2 and sections [0030] - [0035] in Nyholm)

7. In regard to claim 5, Nyholm teaches:

- (Currently Amended) The method as claimed in claim 4, wherein the manufacturer-specific data includes the relevant terminal's energy consumption

Art Unit: 2112

in at least one of specific radio modes, the duration of reconfiguring, the transceiver's precise characteristics.

(Figure 2 and sections [0030] - [0035] in Nyholm)

8. Claims 6 and 7 are rejected for the same reasons as per claim 1.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Rizk whose telephone number is (571) 272-8191. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Baderman can be reached on (571) 272-3644. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 2112

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronics Business Center (EBC) at 866-217-9197 (toll-free)

/Sam Rizk/

Examiner, Art Unit 2112